

**Agreement
between
the Government of the United States of America
and
the Government of the Republic of Korea
on
Environmental Cooperation**

The Government of the United States of America and the Government of the Republic of Korea (hereinafter referred to as the "Parties"):

Desiring to promote cooperation between their two countries on environmental matters, including environmental protection, the sustainable management of natural resources, conservation and protection of biodiversity, and environmental law enforcement,

Recognizing the importance of ensuring that trade liberalization and environmental protection are mutually supportive, particularly in light of the Republic of Korea-United States Free Trade Agreement (hereinafter referred to as "the KORUS FTA"),

Seeking, through this Agreement and other vehicles, to help demonstrate to the broader international community the mutual supportiveness of strong environmental protection and trade liberalization,

Conscious that coordination of cooperation activities avoids duplication and helps to ensure maximum efficacy and efficiency and taking into account other mechanisms for cooperation between their countries,

Believing that the Parties play an important role in the Asia-Pacific region and elsewhere in promoting environmental protection and the sustainable management of natural resources,

Have agreed as follows:

Article 1. Objectives

1. The Parties, on the basis of equality and mutual benefit, shall promote cooperation on environmental protection, sustainable management of natural resources, conservation and protection of biodiversity, and strengthening of environmental law enforcement.
2. The objective of this Agreement is to establish a framework for such cooperation between the Parties.

Article 2. Areas of Focus

1. To advance the objective of this Agreement, the Parties shall engage in cooperative bilateral and regional activities.
2. The areas of cooperation under this Agreement may include any or all of the following, as well as additional areas that the Parties may mutually identify:
 - a. Environmental protection and the sustainable management of natural resources through such mechanisms as: incentives; voluntary market-based approaches, such as eco-labeling; public-private partnerships; and the sharing of information on best practices;
 - b. Development, implementation, and enforcement of, and compliance with, laws and regulations to protect human health and the environment and manage natural resources in a sustainable manner, and the routine exchange of information on compliance and enforcement efforts and challenges, both in their respective territories and, as appropriate and mutually acceptable, in collaboration with other interested countries;
 - c. Implementation and enforcement of multilateral environmental agreements (MEAs) to which both the Parties are parties;
 - d. Promotion of greater public awareness of environmental issues, including through education, increased provision of and access to environmental information, and increased and more timely opportunities for public participation in the development and implementation of environmental policies and programs as well as projects with environmental impacts, including through review and comment on documents such as environmental impact assessments;

- e. Protection, conservation, and sustainable and integrated management of: terrestrial, inland water (including wetlands), coastal, and marine ecosystems (including protected areas), and wildlife, including through the protection of endangered species and the control of invasive alien species;
- f. Development of joint initiatives to combat illegal logging and the transport and trade, including transshipment, of illegally harvested timber and timber products, as well as to combat the illegal trade in wildlife and wildlife parts;
- g. Reduction of air and water pollution and the generation of wastes, including long-range transboundary air pollution, through: pollution prevention and resource conservation; the use of techniques such as Total Maximum Daily Load (TMDL); environmentally sound management of hazardous wastes and toxic substances; increased use of environmentally friendly materials-management practices such as the recycling of electronic products; and the decoupling of economic growth and the generation of hazardous wastes or toxic materials;
- h. Development and use of environmentally sound production methods and technologies, such as cleaner production and sustainable resources management practices, product life-cycle management, increased reliance on energy efficiency mechanisms, and the open, transparent development and adoption of internationally recognized technical standards suitable for environmental protection and resource sustainability;
- i. Development and application of cleaner sources of energy, including the transition to a hydrogen-based economy and use of new and renewable energy sources;
- j. Enhancement of capacity to assess and monitor risk associated with environmental conditions, and to develop, implement, and inform the public of science-based standards for the protection of the environment and human health;
- k. Strengthening of environmental emergency preparedness and response capacities, including those related to industrial accidents and natural disasters;
- l. Exchange of information to help identify goods produced in or imported by the United States of America or the Republic of Korea that fail to meet environmental standards of either Party, with a view to facilitating

compliance with the Parties' respective environmental laws and regulations; and

m. Implementation of measures to ensure that ocean-going and other maritime vessels and related port activities are compatible with and supportive of environmental protection and the sustainable management of natural resources.

Article 3. Establishment of an Environmental Cooperation Commission

1. To broaden and deepen effective cooperation on environmental issues, the Parties shall establish an Environmental Cooperation Commission (hereinafter referred to as the "ECC") composed of government representatives with environmental responsibilities whom each Party has designated from its relevant government departments, agencies, or ministries.
2. The ECC shall endeavor to develop a Work Program, review and assess cooperative environmental activities undertaken pursuant to the Work Program, recommend ways to improve cooperation, and undertake such other activities as both Parties may deem to be appropriate.
3. The Parties shall hold the first meeting of the ECC within one year of the entry into force of this Agreement, and as appropriate thereafter, to discuss the Work Program and other ways, as appropriate, in which the Parties can work together to strengthen capacity to protect the environment. The venue for the meetings shall alternate between the Parties, unless the Parties otherwise mutually decide. The ECC may also conduct its work through other means such as video conferences, conference calls, electronic mail, and the exchange of text.
4. The relevant ministry or department for each Party for the purposes of leading the ECC shall be as follows: the Department of State of the United States of America; the Ministry of Foreign Affairs and Trade of the Republic of Korea. Either Party may change its relevant ministry or department by notifying the other Party in writing.
5. Representatives of the Parties shall meet between meetings of the ECC to implement this Agreement and to exchange information on the progress of cooperative programs, projects and activities. Each Party shall identify a

Coordinator from the ministry or department identified in paragraph 4 to serve as a general point of contact for cooperative work under the Agreement.

6. The Parties take note of the obligations undertaken in Article 20.5 of the environment chapter of the KORUS FTA, including the establishment of the Environmental Affairs Council (EAC), which is responsible for supervising the implementation of that chapter. The Parties expect the EAC and the ECC to keep each other informed of their activities.

Article 4. Work Program

1. The Work Program shall identify priority projects for environmental cooperation, guided by Article 2 of this Agreement. Recognizing that the Parties may identify new cooperative priorities in the light of changing circumstances, including the work of other multilateral bodies to which both Parties contribute, the ECC may update the Work Program as appropriate.

2. The Work Program may include the following forms of cooperation:

- a. Exchange of professionals, technicians, and specialists, including study visits and internships;
- b. Organization of joint conferences, seminars, workshops, meetings, training sessions and outreach, and education programs;
- c. Support for collaboration projects and demonstrations, including joint research projects, studies, and reports;
- d. Facilitation of linkages among representatives from academia, industry, government, and non-governmental organizations to promote the exchange of experience and information, including on best management practices and environmental technologies and data likely to be of mutual interest;
- e. Sharing of information on national environmental programs, including those related to natural resources, subject to the respective Party's laws and regulations; and
- f. Such other forms of environmental cooperation as the Parties may deem appropriate.

Article 5. Public Participation

1. The ECC shall promote opportunities for public participation in the development and implementation of cooperative environmental activities. Unless otherwise decided, meetings of the ECC shall include a public session.
2. Each Party shall:
 - a. Provide the public with an opportunity to provide views, recommendations, or advice on matters related to implementation of this Agreement;
 - b. Make best efforts to respond favorably to requests for discussion by persons of that Party regarding the Party's implementation of the Agreement; and
 - c. Make available to the other Party and the public such views, recommendations, advice or requests, and review and respond to such communications in accordance with domestic procedures.

Article 6. Coordination with Other Organizations

The ECC shall endeavor to develop its Work Program in a way that avoids duplication of, and complements, on-going and future environmental cooperation, including the environmental work of other organizations, programs, and initiatives in which the Parties have a common interest, such as the Asia-Pacific Economic Cooperation (APEC) forum and its technical standards body (the Pacific Area Standards Congress), the Asia Pacific Partnership on Clean Development, and the OECD Environmental Policy Committee.

Article 7. Resources

Unless otherwise agreed, each Party shall cover the costs associated with its implementation of this Agreement. Implementation of this Agreement including

the cooperative activities shall be subject to the availability of funds, personnel, and other resources, and to the applicable laws and regulations of the Parties.

Article 8. Facilitating Entry and Exit of Equipment and Personnel

Consistent with its domestic laws and regulations, each Party shall endeavor to facilitate entry into and exit from its territory of personnel and equipment of the other country, engaged or used in projects and programs under this Agreement, including duty free entry for materials and equipment provided pursuant to cooperative activities under the Agreement.

Article 9. Technical and Confidential Information, Intellectual Property

1. Except as provided below, all technical information obtained through the cooperative activities under this Agreement will be available to the Parties.
2. Unless agreed otherwise by the Parties in writing, the treatment of intellectual property created or furnished in the course of cooperative activities under this Agreement shall be the same as provided for in the unnumbered initial paragraph and numbered paragraphs I and II of Annex I to the Agreement Relating to Scientific and Technical Cooperation between the Government of the United States and the Government of the Republic of Korea signed at Washington July 2, 1999 (S&T Agreement). In the event that the unnumbered initial paragraph and numbered paragraphs I and II of Annex I to the S&T Agreement are modified, such modifications shall automatically apply to the treatment of intellectual property under this Agreement.
3. In the event that either Party deems information to be confidential under its laws and regulations, or identifies in a timely fashion information furnished or created under this Agreement as "business-confidential", each Party and its participants shall protect such information in accordance with its applicable laws, regulations and administrative practices. Information may be identified as "business-confidential" if a person having the information may derive an economic benefit from it or may obtain a competitive advantage over those who do not have it, the information is not generally known or publicly available from other sources, and the owner has not previously made the information available without imposing in a timely manner an obligation to keep it confidential.

Article 10. Entry Into Force

This Agreement shall enter into force upon the completion of an exchange of notifications that the Parties have completed the internal requirements necessary for its entry into force, or on such other date as the Parties may agree.

Article 11. Amendment and Termination

1. This Agreement may be amended by written mutual consent of the Parties.
2. Either Party may terminate this Agreement upon six months' written notification to the other Party. Unless otherwise specifically agreed by the Parties, termination shall not affect the validity of any ongoing activities not fully completed at the time of termination.

Done at Washington, in duplicate, this twenty-third day of January, 2012, in the English and Korean languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF KOREA:

